

July 18, 2024

LAURA A. AUSTIN, CLERK

BY:

/s/T. Taylor
DEPUTY CLERKIN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
ROANOKE DIVISION

THAD GILBERT COOPER,

Plaintiff,

v.

DR. B. MULLINS,

Defendant.

Civil Action No. 7:23cv00324

MEMORANDUM OPINIONBy: Hon. Thomas T. Cullen
United States District Judge

Plaintiff Thad Gilbert Cooper, proceeding *pro se*, filed this civil action under 42 U.S.C. § 1983. On June 14, 2024, the defendant filed a motion for summary judgment, and on the same day, the court issued a notice pursuant to *Roseboro v. Garrison*, 528 F.2d 309, 310 (4th Cir. 2005). (*See* ECF Nos. 33 & 35.) The *Roseboro* notice gave Cooper 21 days to file a response to the motion to dismiss and advised him that, if he did not respond to the defendants' motion, the court would "assume that [he] has lost interest in the case, and/or that [he] agrees with what the Defendant[s] state[] in their responsive pleading(s)." (*See* ECF No. 35.) The notice further advised Cooper that, if he wished to continue with the case, it was "necessary that [he] respond in an appropriate fashion," and that if he failed to file a response to the motion within the time allotted, the court "may dismiss the case for failure to prosecute." (*Id.*)

To date, Cooper has not responded to the defendant's motion for summary judgment or the court's notice and, therefore, the court will dismiss this action without prejudice for failure to prosecute.

The Clerk shall send copies of this Memorandum Opinion and the accompanying Order to the parties.

ENTERED this 18th day of July, 2024.

/s/ Thomas T. Cullen
HON. THOMAS T. CULLEN
UNITED STATES DISTRICT JUDGE